

REMARKS/ARGUMENTS

The Office Action mailed June 17, 2004 has been reviewed and carefully considered. Claims 3, 7-10, 12-13, 19, 21, 24, and 37-38 are canceled. Claims 1, 14, 26, 51, 62, 63, 65-69, 72, 74, and 75 have been amended. Claim 79 is added. Claims 1, 2, 4-6, 11, 14-18, 20, 22-23, 25-36, and 39-79 are pending in this application, with claims 1, 14, 20, 23, 26, 40, 63, 69 and 72 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed June 17, 2004, claims 1, 2, 4, 5, 14-16, 41-53, 62, 65, 68-71, and 76-78 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,192,340 (Abecassis) and Musicbox Jukebox software, in view of U.S. Patent No. 6,470,378 (Tracton) and U.S. Patent No. 6,167,251 (Segal).

Claims 6, 10, 11, and 17-18 stand rejected under 35 U.S.C. §103 as unpatentable over Abecassis, Musicbox Jukebox software, in view of Tracton and Segal, and further in view of U.S. Patent No. 6,199,076 (Logan).

Claims 20, 22, 23, 25, 36, 40, 54-58, and 61 stand rejected under 35 U.S.C. §103 as unpatentable over Abecassis, Musicbox Jukebox software, in view of Tracton and Segal, and further in view of U.S. Patent No. 6,188,398 (Collins-Rector).

Claims 26-35, 39, and 59-60 stand rejected under 35 U.S.C. §103 as unpatentable over Logan in view of Abecassis and Musicbox Jukebox software in further view of Segal and Tracton.

Claims 64 and 73 stand rejected under 35 U.S.C. §103 as unpatentable over Abecassis and Musicbox Jukebox software in view of Tracton and Segal and further in view of U.S. Patent No. 6,650,902 (Richton).

Claims 63 and 72 were found to contain allowable subject matter and would be allowed if rewritten in independent form. In view of the allowable subject matter, claims 63 and 72 have been rewritten as independent claims. Accordingly, independent claims 63 and 72 sound now be considered allowed.

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a method and device for generating an individually-targeted virtual broadcast from data comprising audio and/or video content intermittently downloaded to a device where the content can be automatically organized and formatted into the individually-targeted virtual broadcast (see page 4, lines 2-5 of the specification). During an internet session, a user visits a web site containing content for a virtual broadcast and downloads selected content to the device in any order (p. 4 lines 12-15). The files downloaded to the device are those which meet the user's preferences (p. 9, line 9, to p. 10, line 2). The virtual broadcast device preferably has a high capacity storage device in which the downloaded data is stored (p. 8, lines 5-7). The data is then organized on the virtual broadcast device according to a selected algorithm resident on the virtual broadcast device (p. 4, lines 18-19 and p. 11, lines 14-16).

Accordingly, the present invention discloses a two-step process in which data which meets a user's preferences is first downloaded to a virtual broadcast device in any order. The data includes content and other information (see page 10, lines 3-15). The content includes songs and/or videos. The other information includes introductions to the content, weather information, advertisements, and news. After the step of downloading, the data is organized into a virtual broadcast. Urgent breaking news, such as weather warnings and stock price alerts, could be transmitted and interrupt the virtual broadcast or be incorporated in the virtual broadcast (page 12,

lines 11-20). As described in the specification, the breaking news may be transmitted to the device as raw data which is transformed into a broadcast at the device. In addition, adjustments can be made to the original virtual broadcast by the user. For example the user can rank songs to influence the probability of playing a particular song in the virtual broadcast (page 13, lines 13-16).

Independent claims 1, 14, and 69 have each been amended to recite that the user inputs a ranking of songs using the virtual broadcast device and that the virtual broadcast is adjusted based on the user rankings. Support for this amendment is found in the specification at page 13, lines 13-16).

None of the prior art of record discloses this limitation. The Examiner states that col. 9, lines 30-50 of Logan discloses user input of a ranking. However, this section of Logan states that a user can specifically select item that should remain in a program. This section of Logan does not teach or suggest the user input of a ranking for an item, as expressly recited in independent claims 1, 14, and 69. Furthermore, the Examiner states that playing higher ranked songs more often and replacing lower ranked songs with new songs is known in the art because radio stations play popular songs more often. Claims 1, 14, and 69 recite that the user inputs the ranking using the virtual broadcast device and that the virtual broadcast device adjusts the virtual broadcast in response to the user ranking. In contrast, radio station broadcasts, as referred to by the Examiner, take marketing data into consideration when deciding what to play. However, the present invention recited in independent claims 1, 14, and 69 relies on a specific ranking input by a user to the device which generates the virtual broadcast. Accordingly, the prior art of record fails to disclose, teach or suggest that a user of a virtual broadcast device applies a ranking to songs in a virtual broadcast on the device and that the virtual broadcast device adjusts the virtual broadcast based on the user rankings. Accordingly, independent claims 1, 14, and 69 are allowable over the prior art of record.

Independent claims 20, 23, and 40 are all directed to a virtual television broadcast. Each of these claims recites that periodic updates are received and incorporated in the virtual television broadcast. The Examiner states that col. 9, lines 51-62 of Logan discloses downloading additional news items and generating an updated broadcast with the new content. However this section of Logan merely states that a user can connect to the Internet and search for items of interest. This does not teach or suggest that a virtual broadcast device, after generating a virtual broadcast, periodically reconnects to the Internet to receive updated news items which are then incorporated in the virtual television broadcast. There is no teaching or suggestion in Logan for this limitation. Rather the section indicated by the Examiner merely states that a user may search for items of interest to be downloaded. Accordingly, it is respectfully submitted that independent claims 20, 23, and 40 are allowable over the prior art of record.

Independent claim 26 has been amended to recite "means for establishing a connection between the Internet and the device for transmitting urgent breaking news as a small amount of data from the Internet to the device and having, at the device, one of a synthesized and a prerecorded voice read the urgent breaking news during the virtual broadcast based on the raw data". This is similar to claim 51 which depends from independent claim 1. The Examiner states that Abecassis discloses the limitations of claim 51 at col. 18, lines 14-23. However, this portion of Abecassis merely discloses that synthesized voice may be used to deliver reports. There is no teaching or suggestion for the limitations of transmitting urgent breaking news as a small amount of raw data. In view of the remarks, independent claim 26 is also allowable.

In view of the above remarks, it is respectfully submitted that independent claims 1, 14, 20, 23, 26, 40, and 69 are allowable over Abecassis, Musicmatch, Tracton, Logan, and Collins-Rector, taken by themselves and in combination.

Dependent claims 2, 4-6, 11, 15-18, 22, 25, 27-36, 39, 41-68, and 70-79, each being dependent on one of independent claim 1, 14, 20, 23, 26, 40, and 69, are deemed allowable for the same reasons expressed above with respect to independent claim 1, 14, 20, 23, 26, 40, and 69.

New claim 79 specifically recites that the small amount of raw data for the breaking news is 8 bytes. Support for this limitation is found on page 12, lines 14, of the specification. None of the prior art disclose, teach, or suggest transmitting 8 bytes of raw data indicating breaking news. Accordingly, new claim 79 is allowable is these additional reasons.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

A check in the amount \$176.00 is enclosed in payment for the addition of 2 new independent claims in excess of three.

Respectfully submitted,

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